

# SENATE RECORD VOTE ANALYSIS

104th Congress  
2nd Session

Vote No. 90

April 29, 1996, 5:01 p.m.  
Page S-4308 Temp. Record

## ILLEGAL IMMIGRATION/Cloture on Dole-Simpson Amendment

**SUBJECT:** Immigration Control and Financial Responsibility Act of 1996 . . . S. 1664. Dole motion to close debate on the Dole (for Simpson) perfecting amendment No. 3743.

### ACTION: MOTION AGREED TO, 91-0

**SYNOPSIS:** As reported, S. 1664, the Immigration Control and Financial Responsibility Act of 1996, will address the issue of illegal immigration: by increasing the number of Border Patrol and investigative personnel; by establishing pilot programs to improve the system used by employers to verify citizenship or work-authorized alien status; by increasing penalties for alien smuggling and document fraud; by reforming asylum, exclusion, and deportation laws and procedures; and by reducing the use of welfare by aliens.

**The Dole (for Simpson) perfecting amendment** to the bill would strike all after the first word and would insert the text of the bill, as amended, with one technical change.

On April 25, 1996, Senator Dole sent to the desk, for himself and others, a motion to close debate on the Dole (for Simpson) amendment.

NOTE: Pending at the time were other amendments that filled all other available openings for offering amendments. After cloture was invoked, a Dole (for Simpson) second-degree perfecting amendment to the Dole (for Simpson) amendment was withdrawn, thereby creating an opening for offering amendments. Under cloture rules, any amendments offered had to be germane to the Dole (for Simpson) amendment.

**Those favoring** the motion to invoke cloture contended:

Our colleagues' political games have forced us into this cloture vote. Democrats controlled both Houses and the Presidency last Congress, yet not only did they not raise the minimum wage, they did not even bother to hold hearings on the issue. Now the issue has become of burning importance to them, and the reason can be summed up in one word: politics. Democrats suddenly found it

(See other side)

YEAS (91)				NAYS (0)		NOT VOTING (9)	
Republican (46 or 100%)		Democrats (45 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (7)	Democrats (2)
Abraham	Hatfield	Akaka	Inouye			Burns- <sup>2AY</sup>	Dodd- <sup>2</sup>
Ashcroft	Helms	Baucus	Johnston			D'Amato- <sup>2</sup>	Moynihan- <sup>2AY</sup>
Bennett	Hutchison	Biden	Kennedy			Inhofe- <sup>2</sup>	
Bond	Kassebaum	Bingaman	Kerry			Jeffords- <sup>2</sup>	
Brown	Kempthorne	Boxer	Kerry			Murkowski- <sup>2</sup>	
Campbell	Kyl	Bradley	Kohl			Smith- <sup>2</sup>	
Chafee	Lott	Breaux	Lautenberg			Thompson- <sup>2</sup>	
Coats	Lugar	Bryan	Leahy				
Cochran	Mack	Bumpers	Levin				
Cohen	McCain	Byrd	Lieberman				
Coverdell	McConnell	Conrad	Mikulski				
Craig	Nickles	Daschle	Moseley-Braun				
DeWine	Pressler	Dorgan	Murray				
Dole	Roth	Exon	Nunn				
Domenici	Santorum	Feingold	Pell				
Faircloth	Shelby	Feinstein	Pryor				
Frist	Simpson	Ford	Reid				
Gorton	Snowe	Glenn	Robb				
Gramm	Specter	Graham	Rockefeller				
Grams	Stevens	Harkin	Sarbanes				
Grassley	Thomas	Heflin	Simon				
Gregg	Thurmond	Hollings	Wellstone				
Hatch	Warner		Wyden				

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

of paramount importance to raise the minimum wage the same day that the AFL-CIO came to Washington D.C. and pledged that it would spend an additional \$35 million to elect Democratic candidates for Congress. With that promise in hand, they rushed to the floor with their minimum wage amendment.

Of course, union members do not earn the minimum wage--they earn more. The line that is given is that unions are altruistically concerned for those people who make the minimum wage, and the liberal press, who, in fairness, are sincerely concerned, mindlessly buy that pap. The reality is that any altruistic motives aside, the unions have two extremely strong, selfish reasons for supporting a higher minimum wage. First, if the minimum wage is raised by 10 percent to 15 percent, it will greatly increase their negotiating position when they demand higher wages for themselves. Second, it hurts their non-union competitors. Companies that pay the minimum wage pay that wage because that is what they can afford to pay. If it is raised, they become less competitive because costs go up. They must produce less, and they must hire fewer people. Driving down competition from non-union employers increases the market share for products and services provided by union employers, and thus makes union workers' jobs more secure and gives them higher incomes.

Though we are certain that unions understand that increasing the minimum wage would result in fewer minimum wage jobs, we are equally certain that most of our Democratic colleagues do not grasp that fact. We are not questioning their intelligence; it is just that they so sincerely want to believe that raising the minimum wage does not decrease employment that their passion overwhelms their reason. They sincerely believe that they can wave a magic wand, and order employers to pay more money, and it will in no way affect the financial ability of employers to hire people. The reality is obviously far different. If it were not, then we could just set a minimum wage of \$1 million per year and everyone in America could be fabulously wealthy, like so many of our Democratic colleagues who argue for the minimum wage. When the argument is brought to this extreme, of course, even proponents of the minimum wage understand how ridiculous a government-mandated minimum wage is. Many of us on the Republican side of the aisle have worked our way up from poverty. When we received our first entry-level jobs, we were glad that we had the opportunity. Like nearly all entry-level workers, we were young. Most current minimum wage workers are single and under 25 years old. They are at the bottom rung of the economic ladder. Raising the minimum wage will just move that bottom rung one notch higher. The jobs at the formerly lowest rung will no longer exist, and more people will have to rely on public assistance.

We emphatically agree that these minimum wage workers would rather not rely on public assistance. The fact that in every State people who are on welfare earn more than the minimum wage proves that fact. For instance, in Massachusetts, one would have to earn more than \$30,500, which is an hourly wage of \$14.66, before one would make more money working than being on all the generous welfare programs offered by that State. Many people reject those benefits, preferring to live in poverty on their feet instead of living comfortably on their knees, taking welfare handouts. If our colleagues are sincere in their claim that they want work to pay more than welfare, then they should propose an amendment saying that every State must adopt a minimum wage that is higher than the welfare benefits that it gives. We will not hold our breath waiting for such an amendment.

Unfortunately, political wisdom and reality are often at odds. Our colleagues know the popularity of increasing the minimum wage, and they know the benefits that it will bring to their political cronies, the unions. Further, they sincerely believe that they have the power to order companies to pay workers more money without that dictate in any way affecting the number of people those companies can afford to hire. Therefore, we do not expect them to stop with their political games with the minimum wage.

We will not simply give in to their games. If they insist on passing this damaging amendment, then we will insist that some other measure be attached that will ameliorate the harm that will be caused. We have, in fact, been negotiating with our colleagues on possible measures that we believe should be passed in order to offset the harmful impact of their proposed increase, but so far they have not been willing to compromise. At this point, we are no longer willing to allow matters to be stalled on this important illegal immigration bill. After days of fruitless negotiation, we have filed cloture on the Dole (for Simpson) amendment because invoking cloture will require all amendments that are offered to be on the subject of illegal immigration. This bill has wide, bipartisan support. We know that many Democrats would like to vote against cloture in order to continue their minimum wage filibuster, but we are confident that enough Democrats are too afraid of voter wrath to do so that cloture is certain. With cloture certain, we will not be surprised to see overwhelming support for this cloture motion. We look forward to invoking cloture on this amendment, and to moving, finally, to consideration of amendments that are germane to this bill.

**While favoring the motion to invoke cloture,** some Senators expressed the following reservations:

We have decided to vote in favor of invoking cloture on this bill, but we think the real filibuster that is being conducted is not against the illegal immigration bill, but against the minimum wage. The majority party does not want us to vote on the minimum wage, and through the parliamentary maneuvers of the last few days it appears that it will succeed, on this bill, to stop such a vote. However, it will not succeed for long. Sooner or later, we will have our vote.

**No arguments were expressed in opposition to the motion.**